

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-004512

11/01/2011

HON. SAM J. MYERS

CLERK OF THE COURT
D. Benitez
Deputy

IN RE THE MATTER OF
KIRK JARVIS

KIRK JARVIS
3013 W SILVERFOX WAY
PHOENIX AZ 85045

AND

IVY JARVIS

DEEAN GILLESPIE

MINUTE ENTRY

The Court has received Respondent Ivy Jarvis' Motion to Dismiss Father's Petition to Modify Child Parenting Time or Child Parenting Time and Child Support and Motion for Attorney's Fees and Costs, Petitioner's Response, and the Reply. The Court has also received Petitioner's Motion to Set and Certificate of Readiness and Respondent's Controverting Motion to Set and Certificate of Readiness. Oral argument was not requested.

The Court finds that Petitioner's Petition to Modify was not untimely filed. The Court will hold a hearing on Petitioner's Petition to Modify and directs the parties to attend the January 2012 mediation prior to the hearing.

IT IS ORDERED denying Respondent Ivy Jarvis' Motion to Dismiss Father's Petition to Modify Child Parenting Time or Child Parenting Time and Child Support and Motion for Attorney's Fees and Costs.

IT IS FURTHER ORDERED granting Petitioner's Motion to Set. Accordingly,

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-004512

11/01/2011

EVIDENTIARY HEARING SET

IT IS FURTHER ORDERED setting an evidentiary hearing on **February 7, 2012 at 10:00 a.m. (1 hour allotted)** in this division before:

**The Honorable Sam J. Myers
Maricopa County Superior Court
Central Court Building
201 W. Jefferson
6th Floor, Courtroom 603
Phoenix, AZ 85003**

Failure of a party to appear may result in the court allowing the party who does appear to proceed by default. Failure of both parties to appear may result in this action being dismissed.

IT IS FURTHER ORDERED:

1. **Time Allotted.** Pursuant to Rule 77(C)(5), Arizona Rules of Family Law Procedure, each party presumptively will be allowed half of the available time to present all direct, cross and redirect examination and any argument. For each hour of trial time, this court generally allocates 25 minutes to each party. The parties are expected to complete the trial in the allotted time. If a party believes that more trial time is needed, he or she must file a motion at least 30 days before the trial setting forth good cause to enlarge the trial time. Failure to timely file such a motion will be deemed a waiver of any argument that more trial time is needed.

2. **Pretrial Statements.** The parties shall file and provide this Division with a copy of a **Joint Pretrial Statement** or **Separate Pretrial Statements** pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than 5 days before trial.

The Pretrial Statement shall include:

- a. All information required by Rule 76.
- b. A description of each disputed issue the court must decide, and a statement of each party's position on that issue. Absent good cause shown, failure to list an issue in the Pretrial Statement will be deemed a waiver of that issue.
- c. If there are disputed custody or parenting time issues, a specific proposal for custody and parenting time.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-004512

11/01/2011

d. If there are disputed child support issues, a current Parent's Worksheet for Child Support Amount completed by each party.

e. A list of witnesses to be called at the hearing. Absent good cause shown, failure to list a witness will result in that witness being excluded.

f. A list of exhibits to be used at the hearing. Absent good cause shown, failure to list an exhibit will result in that exhibit being excluded.

g. A list of objections to the other party's exhibits. Any objection not listed in the Pretrial Statement will be deemed waived.

3. **Trial Exhibits.** Exhibits for use at trial shall be delivered to the Clerk of this Division at least **five (5) business days** before trial for marking. **If exhibits are not delivered to the Clerk five business days in advance, you may be required to use trial time for the marking of exhibits.** In addition, each party shall deliver a copy of his/her exhibits to the opposing parties at least five business days before trial.

The parties should also provide a copy of exhibits to the judge on the day of the trial. This allows the judge to see the exhibits at the same time they are being presented to witnesses.

4. **Settlement.** Counsel and the parties are reminded of their obligation to give prompt notice of any settlement to the court as required by Rule 70, Arizona Rules of Family Law Procedure. If the parties reach a full settlement before trial, the court will vacate the trial only if (1) it receives a Notice of Settlement pursuant to Rule 70, Arizona Rules of Family Law Procedure, or (2) both parties inform the court of the settlement in an on-the-record telephonic conference. Oral notification to court staff or voicemail messages left with the court are insufficient. If the parties desire to place agreements on the record, they should contact this Division to schedule a telephonic conference.

5. **Continuances.** Motions to continue the trial filed more than 30 days before trial will not be granted absent a showing of good cause. Motions to continue the trial filed less than 30 days before trial will not be granted absent a showing of extraordinary circumstances.

6. **Disclosure and Discovery.**

a. Both parties shall complete all disclosure required by Rules 49, 50 and 91, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents and exhibits at least 30 days prior to trial.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2009-004512

11/01/2011

b. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure shall be completed 15 days before trial.

7. **Discovery And Other Pre-Trial Disputes.** If the parties have a dispute concerning discovery matters, or any other pre-trial dispute that requires court intervention, they may contact this division to schedule a telephonic conference before filing formal discovery motions. Before such telephonic conference, counsel or the parties shall personally consult with each other to either resolve the dispute or narrow the issues.

8. **Trial Record.** All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) business days before the scheduled hearing.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.